

Department of Environmental Protection and Resource Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. SWM01358-001

Zulfiqar Cheema
Amoco Oil Island Road
17 Carroll Island Road
Baltimore MD 21220

15 Carroll Island Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 27, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 33-4-110, 33-4-111: 1) clean oil/grit separator with vac truck, 2) clean oil/grit separator curb trash rack 3) coat oil/grit separator outfall barrel 4) trees within 25' of concrete control structure-must be removed and treated on property known as 15 Carroll Island Road, 21220.

On June 28, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Randy Hoffer issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$11,600.00 (eleven thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Zulfiqar Cheema, Respondent and, Randy Hoffer, Baltimore County Sanitarian for the Department of Environmental Protection and Resource Management.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 19, 2010 ordering Respondent to complete required corrections by June 21, 2010. This Citation was issued on June 28, 2010.

B. A correction order was sent to Respondent on January 21, 2010. The order stated that DEPRM inspected the Storm Water Management Facility on the premises on January 4, 2010 for the three year maintenance period, and found four items that require correction. The listed items were: cleaning/maintenance of the Oil/Grit Separator; clean the Oil/Grit Separator exterior curb section trash rack, which is clogged; clean and coat with fresh bituminous material the Oil/Grit Separator corrugated metal outfall barrel; and remove and treat trees growing within 25 feet of the control structure. Additional notices were sent on April 9 and May 19.

C. DEPRM Inspector Randy Hoffer testified that he made the inspections of this property and issued the notices. Photographs in the file show numerous weed trees growing in the stormwater catchment basin. Photographs show the screen at the curb is clogged with debris. Inspector Hoffer testified that the Oil/Grit Separator, which captures runoff and separates out the water so captured oil can be properly disposed of, requires regular maintenance to ensure proper operation.

D. Property owners are responsible for maintenance of privately owned stormwater management devices. BCC 33-4-110. DEPRM is required to inspect these systems regularly and to require necessary maintenance and repair. BCC 33-4-111. Because Respondent is required by law to make the requested repairs and corrections, this Citation will be enforced.

E. Respondent Zuliqar Cheema testified that he is willing to do the required corrections but business is slow and the repairs are expensive. He agreed that a contractor with a vacuum truck will have to be hired to clean the Oil/Grit Separator. He testified that he will clear the trees with his own employees. He requested additional time to complete the work. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by September 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 30th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.